

General Assembly

Raised Bill No. 562

February Session, 2002

LCO No. 2271

Referred to Committee on Judiciary

Introduced by: (JUD)

AN ACT CONCERNING AN ADDRESS CONFIDENTIALITY PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (Effective January 1, 2003) As used in sections 1 to
- 2 16, inclusive, of this act:
- 3 (1) "Address confidentiality program" or "program" means the 4 program established in sections 1 to 16, inclusive, of this act;
- 5 (2) "Agency" shall have the same meaning as "public agency" or "agency" pursuant to section 1-200 of the general statutes, as amended;
- 7 (3) "Application assistant" means a person authorized by the 8 Secretary of the State to assist applicants in the completion of program
- 9 participation applications;
- 10 (4) "Authorized personnel" means an employee of an agency or an
- 11 employee in the office of the Secretary of the State who has been
- 12 designated by the chief executive officer of the agency or by the
- 13 Secretary of the State to process and have access to records pertaining
- 14 to the program participant, including, but not limited to, voter
- 15 applications, voting records and marriage applications.

- (5) "Certification card" means a card issued by the Secretary of the State to a program participant upon certification that includes the program participant's name, certification code, program address, certification expiration date and signature of the program participant;
- 20 (6) "Confidential address" means a program participant's address or 21 addresses as listed on such participant's application for program 22 participation that are not to be disclosed, including such participant's 23 residential address in this state and work and school addresses in this 24 state, if any;
- 25 (7) "Family violence" has the meaning specified in section 46b-38a of 26 the general statutes;
- 27 (8) "Injury or risk of injury to a child" means any act or conduct that 28 constitutes a violation of section 53-21 of the general statutes;
- (9) "Law enforcement agency" means the office of the Attorney
 General, the office of the Chief State's Attorney, the Division of State
 Police within the Department of Public Safety or any municipal police
 department;
- 33 (10) "Marriage records" means an application for a marriage license, 34 issued marriage license, license certificate or other documents related 35 thereto;
- 36 (11) "Program address" means the post office box number and 37 fictitious street address assigned to a program participant by the 38 Secretary of the State;
- 39 (12) "Program participant" or "participant" means any person certified to participate in the address confidentiality program;
- 41 (13) "Record" shall have the same meaning as "public records or files" pursuant to section 1-200 of the general statutes, as amended;
- 43 (14) "Sexual assault" means any act that constitutes a violation of

- section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes; and
- 46 (15) "Stalking" means any act that constitutes a violation of sections 47 53a-181c, 53a-181d or 53a-181e of the general statutes.
- 48 Sec. 2. (NEW) (Effective January 1, 2003) (a) There shall be an address 49 confidentiality program established in the office of the Secretary of the 50 State to provide a substitute mailing address for persons who have 51 been victims of family violence, injury or risk of injury to a minor, 52 sexual assault or stalking, and who wish to keep their residential 53 address confidential due to safety concerns. A public agency shall 54 accept the program address of any program participant in lieu of such participant's confidential address, unless such agency has received a 55 written exemption from the Secretary of the State pursuant to section 56 57 10 of this act.
 - (b) The Secretary of the State shall adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of this act. Such regulations may include, but need not be limited to, provisions for program application and certification, certification cancellation, agency use of program addresses, forwarding of program participants' mail, voting by program participants and recording of vital statistics for program participants.
 - Sec. 3. (NEW) (Effective January 1, 2003) (a) An adult person, a guardian or conservator of the person acting on behalf of an adult person, or a parent or guardian acting on behalf of a minor may apply to the Secretary of the State for participation in the program to have the Secretary of the State designate a program address to serve as the adult person's address or as the address of the minor. An application shall be completed with the assistance of an application assistant.
 - (b) The Secretary of the State shall make available a list of agencies that employ application assistants to assist applicants in applying to the address confidentiality program.

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- Sec. 4. (NEW) (*Effective January 1, 2003*) The Secretary of the State shall certify an applicant or the person on whose behalf the application is made as a program participant if the application is filed in the manner and on the application form prescribed by the Secretary of the State and includes:
 - (1) A statement made under penalty of false statement as provided in section 53a-157b of the general statutes, that (A) the applicant or the person on whose behalf the application is made is a victim of family violence, injury or risk of injury to a minor, sexual assault or stalking, and (B) the applicant fears for the applicant's safety, for the safety of the applicant's children, for the safety of the person on whose behalf the application is made, or for the safety of the children of the person on whose behalf the application is made;
- 88 (2) Documentation supporting the statements made pursuant to subdivision (1) of this section;
 - (3) A designation of the Secretary of the State as agent for service of process and for receipt of first class mail;
 - (4) The Connecticut residential address, the work and school address in Connecticut, if any, and the phone number or numbers, if available, that are to remain confidential, but which may be used by the Secretary of the State or authorized personnel to contact the applicant or the person on whose behalf the application is made; and
 - (5) The application preparation date, the applicant's signature and the signature of the application assistant who assisted the applicant in applying to the program.
- Sec. 5. (NEW) (Effective January 1, 2003) (a) Upon certification by the Secretary of the State of a program applicant or the person on whose behalf the application is made, the applicant, or the person on whose behalf the application is made, as appropriate, shall be issued a program certification card. The certification card shall include the

- program participant's name, certification code, program mailing address, certification expiration date and the participant's signature.
- (b) The certification expiration date shall be four years from the dateof issuance of the program certification card.
- Sec. 6. (NEW) (*Effective January 1, 2003*) (a) The Secretary of the State shall maintain a post office box for the exclusive use of the program.
- 111 The post office box number and a fictitious street address shall be the
- 112 program address for program participants.
- (b) The Secretary of the State shall open the post office box each day,
- 114 other than Saturdays, Sundays and state holidays, and retrieve the
- 115 contents. All first class mail addressed to a program participant shall
- 116 be placed, unopened, into envelopes addressed to the participant and
- deposited at a United States post office the same day for delivery by
- first class mail to the participant at the confidential address indicated
- 119 by the participant or by the person applying on behalf of the
- 120 participant on the application.
- 121 (c) The office of the Secretary of the State and any agent or person
- employed by the Secretary of the State shall be held harmless from any
- 123 liability in any action brought by any person injured or harmed as a
- 124 result of the handling of first class mail on behalf of program
- 125 participants.
- Sec. 7. (NEW) (Effective January 1, 2003) (a) A program participant
- 127 may request that an agency use the program address as the
- 128 participant's residential, work or school address. A program
- 129 participant shall present the participant's certification card to any
- agency official creating a new record and request the use of the
- 131 program address as it appears on the certification card.
- 132 (b) The agency official may make a file photocopy of the
- certification card and shall immediately return the card to the program
- participant. An agency shall accept the program address unless the

agency has received a written exemption from the Secretary of the State pursuant to section 10 of this act.

Sec. 8. (NEW) (Effective January 1, 2003) A program participant may request that the participant's marriage records be kept confidential by appearing in person with the participant's spouse or intended spouse before the authorized personnel for the office of the registrar of vital statistics in the municipality where the marriage was or is to be celebrated and presenting the participant's certification card to such registrar. Upon such request, such registrar shall keep the participant's marriage records confidential and shall not make available for inspection or copying the name and address of a program participant or of the participant's spouse or intended spouse contained in the participant's marriage records, except (1) if requested by a law enforcement agency, or (2) if directed by a court order, to a person identified in such order.

Sec. 9. (NEW) (Effective January 1, 2003) A program participant may request to be listed on the voter registry list without the participant's street and house number by presenting the participant's certification card to the authorized personnel for the office of the registrar of voters for the municipality in which the participant is eligible to vote, or has applied for such eligibility. Upon such request, the registrar of voters shall list the participant by name only in accordance with subsection (d) of section 9-35 of the general statutes. Such registrar shall keep the participant's confidential address confidential and shall not make such address available for inspection or copying, except (1) if requested by a law enforcement agency, to the law enforcement agency, or (2) if directed by a court order, to a person identified in the order.

Sec. 10. (NEW) (*Effective January 1, 2003*) (a) If a program participant requests that an agency use the program address, the agency shall accept the program address as a program participant's address unless the agency receives an exemption from the Secretary of the State from the use of the participant's program address.

- (b) An agency may request an exemption from the requirement of the use of a program participant's program address in lieu of the participant's confidential address by providing, in writing, to the Secretary of the State: (1) Identification of the statute or regulation that specifies the agency's statutory or regulatory requirement for the use of the program participant's confidential address; (2) a statement that the confidential address will be used only for those statutory or regulatory purposes; (3) identification of the specific program participant for whom the exemption is requested; (4) identification of the persons who will have access to the confidential address; and (5) an explanation of how the agency's acceptance of the program address will prevent the agency from meeting its obligations under the law and why it cannot meet its statutory or regulatory obligation by a change in its internal procedures.
- (c) During the review and evaluation by the Secretary of the State, and the appeal, if applicable, of an agency's request for an exemption, the agency shall use the program participant's program address.
- (d) The Secretary of the State's determination to grant or deny a requested exemption shall be based on, but need not be limited to, an evaluation of the information provided by the agency pursuant to subsection (a) of this section.
- (e) If the Secretary of the State determines that there is a statutory or regulatory requirement that the agency use the program participant's confidential address and that the confidential address will be used only to comply with that requirement, the Secretary of the State shall issue a written exemption for the agency. The Secretary of the State may include in the exemption (1) the agency's obligation to maintain the confidentiality of the program participant's confidential address, (2) limitations on the use of or access to the confidential address, (3) the term for which the exemption is granted, (4) a designation of the record format in which the confidential address may be maintained, (5) a designation of a disposition date after which the agency may no

- 199 longer maintain a record of the participant's confidential address, and 200 (6) any other provisions and qualifications deemed appropriate by the
- 201 Secretary of the State.
- 202 (f) Prior to granting the exemption, the Secretary of the State shall 203 notify the program participant of the exemption, including the name of 204 the agency and the reason or reasons for the exemption.
- 205 (g) If the Secretary of the State determines that there is no statutory 206 or regulatory requirement that the agency use the program 207 participant's confidential address, the Secretary of the State shall issue 208 a written denial of the exemption request, and shall include a 209 statement of the reason or reasons for the denial.
- 210 (h) The granting or denial of the agency's exemption request 211 constitutes final agency action. Any aggrieved party, including the 212 program participant, may appeal.
 - (i) Any agency that is granted an exemption may not make the program participant's confidential address available for inspection or copying by persons other than those identified in the exemption request as having access to the confidential address unless directed by a court order to a person identified in the order.
- 218 Sec. 11. (NEW) (Effective January 1, 2003) (a) A program participant, 219 a guardian or conservator of the person acting on behalf of an adult 220 program participant, or a parent or guardian acting on behalf of a minor program participant may apply to renew the participant's 222 program certification by filing with the Secretary of the State (1) the 223 participant's current certification card, (2) a properly completed 224 certification renewal form, and (3) a new certification card form. The 225 program participant or the person acting on behalf of the program 226 participant shall provide all the information required on the 227 certification renewal form and the program participant shall date and 228 sign the certification card form.

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- (b) The Secretary of the State shall (1) certify a program participant
- 230 who has filed a properly completed certification renewal form to
- 231 participate in the program for an additional four year term, and (2)
- issue to the program participant a new certification card with the new
- 233 expiration date.
- Sec. 12. (NEW) (Effective January 1, 2003) (a) The Secretary of the
- 235 State may cancel a program participant's certification and invalidate
- 236 the participant's certification card if:
- 237 (1) The program participant changes the participant's name from the
- 238 name listed on the program application and fails to notify the
- 239 Secretary of the State in writing of the name change within thirty days
- 240 of the change;
- 241 (2) The program participant changes the participant's confidential
- 242 address from the address listed on the program application and fails to
- 243 notify the Secretary of the State in writing of the change within thirty
- 244 days of the change;
- 245 (3) Mail forwarded to the program participant is returned as
- 246 nondeliverable;
- 247 (4) The term of the program participant's certification has expired
- and the participant has not applied for renewal; or
- 249 (5) The application filed by the program participant or by the person
- 250 who filed the application on behalf of the program participant
- 251 contained false information.
- 252 (b) The Secretary of the State shall send written notice of
- 253 cancellation to the program participant at the confidential address
- shown in the Secretary of the State's records regarding the participant.
- 255 The notice shall specify the reason or reasons for cancellation. The
- 256 program participant shall have thirty days from the date the notice
- was mailed by the Secretary of the State to appeal the cancellation.

- (c) A person may apply to the program at any time after such person's certification has been cancelled for any reason.
- (d) (1) The Secretary of the State shall notify the appropriate authorized personnel when a participant's certification in the program has been cancelled. After receipt of such notice, the agency shall not be responsible for maintaining the confidentiality of the record or address of a program participant whose certification has been cancelled.
 - (2) If the marriage records of a program participant whose certification has been cancelled were kept confidential pursuant to section 8 of this act, the Secretary of the State shall notify in writing the authorized personnel of the appropriate registrar of vital statistic's office of the cancellation.
- (3) If the participant whose certification has been cancelled was listed on the voter registry list without the participant's street and number of the house, the Secretary of the State shall notify in writing the authorized personnel of the appropriate registrar of voter's office of the cancellation.
 - (e) A program participant may withdraw from the program by submitting to the Secretary of the State written notice of the participant's withdrawal and the participant's current certification card. The Secretary of the State shall cancel the certification effective on the date of receipt of such notice by the Secretary of the State.
- Sec. 13. (NEW) (*Effective January 1, 2003*) (a) The Secretary of the State shall be the program participant's agent, upon whom any summons, writ, notice, demand or process shall be served.
 - (b) A program participant may be served by any proper officer or other person lawfully empowered to make service by leaving two true and attested copies of such summons, writ, demand, notice or process, together with the required fee at the office of the Secretary of the State or depositing the same in the United States mail, by registered or

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- 288 certified mail, postage prepaid, addressed to the Secretary of the State's 289 office and marked "Address Confidentiality Program". The Secretary 290 of the State shall file one copy of the summons, writ, notice, demand or 291 process and keep a record of the date and hour of receipt. The 292 Secretary of the State shall, within two business days after such 293 service, forward by registered or certified mail the copy of such 294 summons, writ, notice, demand or process to the program participant 295 at the confidential address shown in the Secretary of the State's 296 records.
- (c) Service is effective under this section as of the date and hour received by the Secretary of the State as shown on the Secretary of the State's records.
- Sec. 14. (NEW) (*Effective January 1, 2003*) (a) The Secretary of the State may not make any records in a program participant's file, other than the program address, available for inspection or copying, except:
- 303 (1) If requested by a law enforcement agency, to such law 304 enforcement agency, provided the request is in writing, on agency 305 letterhead stationery and contains the signature of the agency's chief 306 law enforcement officer or of a commanding officer in the Division of 307 State Police, the request date and the name of the program participant;
- 308 (2) If directed by a court order, to a person identified in the order;
- 309 (3) To verify the participation of a specific program participant, in 310 which case the Secretary of the State may only confirm information 311 supplied by the requestor; or
- 312 (4) If certification has been cancelled.
- 313 (b) If the Secretary of the State discloses records pursuant to 314 subdivision (2) or (3) of subsection (a) of this section, the Secretary of 315 the State shall forthwith notify the program participant of such 316 disclosure.

- Sec. 15. (NEW) (*Effective January 1, 2003*) No member of the Office of the Victim Advocate, any law enforcement agency, state or municipal social service agency or other witness shall be compelled to disclose the program participant's confidential address during the discovery phase of, or during testimony in, any criminal or civil proceeding unless the court finds that nondisclosure may prejudice a party to the
- Sec. 16. (NEW) (*Effective January 1, 2003*) Nothing in sections 1 to 16, inclusive, of this act, nor participation in the address confidentiality program, shall affect custody or visitation orders in effect prior to or during program participation.
- Sec. 17. Subsection (b) of section 1-210 of the general statutes, as amended by section 1 of public act 01-26, is repealed and the following is substituted in lieu thereof (*Effective January 1*, 2003):
- 331 (b) Nothing in the Freedom of Information Act shall be construed to require disclosure of:
- 333 (1) Preliminary drafts or notes provided the public agency has 334 determined that the public interest in withholding such documents 335 clearly outweighs the public interest in disclosure;
- 336 (2) Personnel or medical files and similar files the disclosure of 337 which would constitute an invasion of personal privacy;
- 338 (3) Records of law enforcement agencies not otherwise available to 339 the public which records were compiled in connection with the 340 detection or investigation of crime, if the disclosure of said records 341 would not be in the public interest because it would result in the 342 disclosure of (A) the identity of informants not otherwise known or the 343 identity of witnesses not otherwise known whose safety would be 344 endangered or who would be subject to threat or intimidation if their 345 identity was made known, (B) signed statements of witnesses, (C) 346 information to be used in a prospective law enforcement action if

proceeding.

- 348 known to the general public, (E) arrest records of a juvenile, which
- shall also include any investigatory files, concerning the arrest of such
- 350 juvenile, compiled for law enforcement purposes, (F) the name and
- address of the victim of a sexual assault under section 53a-70, 53a-70a,
- 352 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
- impairing of morals under section 53-21, or of an attempt thereof, or
- 354 (G) uncorroborated allegations subject to destruction pursuant to
- 355 section 1-216;
- 356 (4) Records pertaining to strategy and negotiations with respect to
- 357 pending claims or pending litigation to which the public agency is a
- 358 party until such litigation or claim has been finally adjudicated or
- 359 otherwise settled;
- 360 (5) (A) Trade secrets, which for purposes of the Freedom of
- 361 Information Act, are defined as information, including formulas,
- 362 patterns, compilations, programs, devices, methods, techniques,
- 363 processes, drawings, cost data, or customer lists that (i) derive
- 364 independent economic value, actual or potential, from not being
- 365 generally known to, and not being readily ascertainable by proper
- means by, other persons who can obtain economic value from their
- 367 disclosure or use, and (ii) are the subject of efforts that are reasonable
- 368 under the circumstances to maintain secrecy; and
- 369 (B) Commercial or financial information given in confidence, not
- 370 required by statute;
- 371 (6) Test questions, scoring keys and other examination data used to
- 372 administer a licensing examination, examination for employment or
- 373 academic examinations;
- 374 (7) The contents of real estate appraisals, engineering or feasibility
- 375 estimates and evaluations made for or by an agency relative to the
- 376 acquisition of property or to prospective public supply and
- 377 construction contracts, until such time as all of the property has been

- acquired or all proceedings or transactions have been terminated or
- abandoned, provided the law of eminent domain shall not be affected
- 380 by this provision;
- 381 (8) Statements of personal worth or personal financial data required
- 382 by a licensing agency and filed by an applicant with such licensing
- 383 agency to establish the applicant's personal qualification for the
- 384 license, certificate or permit applied for;
- 385 (9) Records, reports and statements of strategy or negotiations with
- 386 respect to collective bargaining;
- 387 (10) Records, tax returns, reports and statements exempted by
- 388 federal law or state statutes or communications privileged by the
- 389 attorney-client relationship;
- 390 (11) Names or addresses of students enrolled in any public school or
- 391 college without the consent of each student whose name or address is
- 392 to be disclosed who is eighteen years of age or older and a parent or
- 393 guardian of each such student who is younger than eighteen years of
- age, provided this subdivision shall not be construed as prohibiting the
- disclosure of the names or addresses of students enrolled in any public
- school in a regional school district to the board of selectmen or town
- board of finance, as the case may be, of the town wherein the student
- 398 resides for the purpose of verifying tuition payments made to such
- 399 school;
- 400 (12) Any information obtained by the use of illegal means;
- 401 (13) Records of an investigation or the name of an employee
- 402 providing information under the provisions of section 4-61dd;
- 403 (14) Adoption records and information provided for in sections 45a-
- 404 746, 45a-750, as amended, and 45a-751;
- 405 (15) Any page of a primary petition, nominating petition,
- 406 referendum petition or petition for a town meeting submitted under

- 407 any provision of the general statutes or of any special act, municipal 408 charter or ordinance, until the required processing and certification of 409 such page has been completed by the official or officials charged with 410 such duty after which time disclosure of such page shall be required;
- 411 (16) Records of complaints, including information compiled in the 412 investigation thereof, brought to a municipal health authority pursuant 413 to chapter 368e or a district department of health pursuant to chapter 414 368f, until such time as the investigation is concluded or thirty days 415 from the date of receipt of the complaint, whichever occurs first;
- 416 (17) Educational records which are not subject to disclosure under 417 the Family Educational Rights and Privacy Act, 20 USC 1232g;
- 418 (18) Records, the disclosure of which the Commissioner of 419 Correction, or as it applies to Whiting Forensic Division facilities of the 420 Connecticut Valley Hospital, the Commissioner of Mental Health and 421 Addiction Services, has reasonable grounds to believe may result in a 422 safety risk, including the risk of harm to any person or the risk of an 423 escape from, or a disorder in, a correctional institution or facility under 424 the supervision of the Department of Correction or Whiting Forensic 425 Division facilities. Such records shall include, but are not limited to:
- (A) Security manuals, including emergency plans contained or 427 referred to in such security manuals;
- 428 Engineering and architectural drawings of correctional 429 institutions or facilities or Whiting Forensic Division facilities;
- 430 (C) Operational specifications of security systems utilized by the 431 Department of Correction at any correctional institution or facility or 432 Whiting Forensic Division facilities, except that a general description 433 of any such security system and the cost and quality of such system 434 may be disclosed;
- 435 (D) Training manuals prepared for correctional institutions and 436 facilities or Whiting Forensic Division facilities that describe, in any

- 437 manner, security procedures, emergency plans or security equipment;
- 438 (E) Internal security audits of correctional institutions and facilities 439 or Whiting Forensic Division facilities;
- (F) Minutes or recordings of staff meetings of the Department of Correction or Whiting Forensic Division facilities, or portions of such minutes or recordings, that contain or reveal information relating to security or other records otherwise exempt from disclosure under this subdivision;
- 445 (G) Logs or other documents that contain information on the 446 movement or assignment of inmates or staff at correctional institutions 447 or facilities; and
- 448 (H) Records that contain information on contacts between inmates, 449 as defined in section 18-84, and law enforcement officers;
- (19) Records, the disclosure of which the Commissioner of Public Works or, in the case of records concerning Judicial Department facilities, the Chief Court Administrator, has reasonable grounds to believe may result in a safety risk, including the risk of harm to any person, any state-owned or leased institution or facility or any fixture or appurtenance and equipment attached to, or contained in, such institution or facility. Such records shall include, but are not limited to:
- (A) Security manuals or reports, including emergency plans contained or referred to in such security manuals;
- (B) Engineering and architectural drawings of state-owned or leased institutions or facilities;
- (C) Operational specifications of security systems utilized at any state-owned or leased institution or facility, except that a general description of any such security system and the cost and quality of such system, may be disclosed;

- (D) Training manuals prepared for state-owned or leased institutions or facilities that describe, in any manner, security procedures, emergency plans or security equipment;
- 468 (E) Internal security audits of state-owned or leased institutions or 469 facilities;
- (F) Minutes or recordings of meetings of the Department of Public Works or the Judicial Department, or portions of such minutes or recordings, that contain or reveal information relating to security or other records otherwise exempt from disclosure under this subdivision; and
- 475 (G) Logs or other documents that contain information on the 476 movement or assignment of security personnel at state-owned or 477 leased institutions or facilities;
- 478 (20) Records of standards, procedures, processes, software and 479 codes, not otherwise available to the public, the disclosure of which 480 would compromise the security or integrity of an information 481 technology system;
- 482 (21) The residential, work or school address of any participant in the 483 address confidentiality program established pursuant to sections 1 to 484 16, inclusive, of this act.

This act shall take effect as follows:	
Section 1	January 1, 2003
Sec. 2	January 1, 2003
Sec. 3	January 1, 2003
Sec. 4	January 1, 2003
Sec. 5	January 1, 2003
Sec. 6	January 1, 2003
Sec. 7	January 1, 2003
Sec. 8	January 1, 2003
Sec. 9	January 1, 2003
Sec. 10	January 1, 2003

Sec. 11	January 1, 2003
Sec. 12	January 1, 2003
Sec. 13	January 1, 2003
Sec. 14	January 1, 2003
Sec. 15	January 1, 2003
Sec. 16	January 1, 2003
Sec. 17	January 1, 2003

Statement of Purpose:

To establish an address confidentiality program for victims of family violence, sexual assault or stalking.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]